

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLINTON LEWIS LEVELSTON, JR.,

Defendant.

Hon. Robert J. Jonker

Case No. 1:20-cr-00107

REPORT AND RECOMMENDATION

On September 10, 2020, I conducted a hearing on Defendant's unopposed Request to Withdraw Previously Filed Motion to Determine Competency of the Defendant (ECF No. 21). Based on the representations of counsel and a colloquy with defendant Clinton Lewis Levelston, Jr., and for the reasons stated on the record, I find that the Defendant was competent to and did understand the nature and consequences of the proceedings against him and was able to assist in his defense. I also found that there was no reasonable cause for further proceedings to determine competency pursuant to 18 U.S.C. § 4241. I recommend that the Court grant Defendant's Motion.

Pursuant to W.D. Mich. LCrR. 11.1, I also conducted a plea hearing after receiving the written consent of defendant and all counsel. At the hearing, Defendant Levelston entered a plea of guilty to Count One of the Indictment in exchange for the undertakings made by the government in the written plea agreement. In Count One of the Indictment, defendant is charged with possession of a firearm not registered in the National Firearms Registration and Transfer Act in violation of 26 U.S.C. § 5861(d). On the basis of the record made at the hearing, I find that defendant is fully capable and competent to enter an informed plea; that the plea is made knowingly

and with full understanding of each of the rights waived by defendant; that it is made voluntarily and free from any force, threats, or promises, apart from the promises in the plea agreement; that the defendant understands the nature of the charge and penalties provided by law; and that the plea has a sufficient basis in fact.

I therefore recommend that defendant's plea of guilty to Count One of the Indictment be accepted, that the court adjudicate defendant guilty, and that the written plea agreement be considered for acceptance at the time of sentencing. Acceptance of the plea, adjudication of guilt, acceptance of the plea agreement, and imposition of sentence are specifically reserved for the district judge.

Dated: September 11, 2020

/s/ Sally J. Berens
SALLY J. BERENS
U.S. Magistrate Judge

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within 14 days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).